

## ATTACHMENTS

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**From:** Mark Pera  
**To:** jrooney@sonnenschein.com  
**Date:** Wednesday - April 7, 2004 1:32 PM  
**Subject:** 201(k) conference

John-

This will confirm our 201(k) conference yesterday, 4/6/04, regarding Nicor's responses to our DR requesting the fees paid to your experts and outside attorneys. We were not able to reach an agreement on the issue and we will have to file a motion to compel.

Mark

**Northern Illinois Gas Company  
d/b/a Nicor Gas Company  
ICC Docket No. 02-0067  
Response to Cook County State's Attorney's Office  
Third Data Request**

- CCSAO 3.01 Q. Please provide a list of fees paid to each outside witness, consultant or expert retained in this case, and, in addition, provide a copy of each invoice received from each witness, consultant or expert.
- A. Nicor objects to this request on the basis that it is vague and ambiguous, overly broad and unduly burdensome, and neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Nicor Gas objects to this request to the extent it seeks discovery into privileged communications between Nicor Gas and any non-testifying consultants retained in anticipation of litigation or preparation for hearing. Subject to and without waiving these objections, Nicor Gas states that it has retained separately Russell A. Feingold and Michael A. Barrett, who have submitted pre-filed testimony and are expected to be called as witnesses for Nicor Gas in this matter. Messrs. Feingold and Barrett have been paid for their services.

**Northern Illinois Gas Company  
d/b/a Nicor Gas Company  
ICC Docket No. 02-0067  
Response to Cook County State's Attorney's Office  
Third Data Request**

- CCSAO 3.02 Q. Please provide a list of attorney fees paid to Scott Lassar and each and every attorney at Sidley Austin Brown & Wood retained in this case, and, in addition, provide a copy of each invoice received from Sidley Austin Brown & Wood for all services rendered since they were hired by the "Special Committee" up to the present.
- A. Nicor objects to this request on the basis that it is vague and ambiguous, overly broad and unduly burdensome, and neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Nicor Gas objects to this request to the extent it seeks discovery into communications between Mr. Lassar and other attorneys at Sidley Austin Brown & Wood and their client, the Special Committee of the Board of Directors of Nicor, Inc., which are outside the scope of Mr. Lassar's pre-filed testimony in this proceeding. Nicor Gas further states that Mr. Lassar and/or Sidley have asserted that the requested information is subject to the protections of the work product doctrine. Subject to and without waiving these objections, Nicor Gas states on information and belief that Mr. Lassar is providing testimony in this matter at the request of the Special Committee. Nicor Gas further states on information and belief that Mr. Lassar and other attorneys at Sidley have been paid for services rendered to the Special Committee.

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d/b/a Nicor Gas Company  
ICC Docket No. 02-0067  
Response to Cook County State's Attorney's Office  
Third Data Request**

- CCSAO 3.03 Q. Please provide a list of attorney fees paid to all attorneys that represented deponents in this matter, and, in addition, a copy of their invoices.
- A. Nicor objects to this request on the basis that it is vague and ambiguous, overly broad and unduly burdensome, and neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Nicor Gas objects to this request to the extent it seeks discovery into privileged communications between persons who provided their discovery depositions in this matter and their counsel. To the extent any such communications were disclosed to Nicor Gas, these communications would be subject to non-disclosure under the common interest doctrine.

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d/b/a Nicor Gas Company  
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Response to Cook County State's Attorney's Office  
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CCSAO 3.04 Q. Please provide a list of all fees paid to KPMG for services rendered in this matter, and, in addition, provide a copy of each invoice received from KPMG.

A. Nicor objects to this request on the basis that it is vague and ambiguous, overly broad and unduly burdensome, and neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Nicor Gas objects to this request to the extent it seeks discovery into communications between KPMG and Sidley Austin Brown & Wood or between KPMG and the Special Committee of the Board of Directors of Nicor, Inc., which are outside the scope of Mr. Lassar's pre-filed testimony in this proceeding. Nicor Gas further states that Mr. Lassar and/or Sidley have asserted that the requested information is subject to the protections of the work product doctrine. Subject to and without waiving these objections, Nicor Gas on information and belief states that KPMG has been paid in its capacity as consultant to Mr. Lassar.